



HOUSE BILL 134: Pistol Permit/Mental Health Record to Sheriff.

2017-2018 General Assembly

Committee: House Judiciary I	Date: March 22, 2017
Introduced by: Rep. McNeill	Prepared by: Jennifer Bedford
Analysis of: First Edition	Legislative Analyst

OVERVIEW: *House Bill 134 would change the way the sheriff accesses court orders related to the mental health and capacity necessary to determine applicant eligibility for a pistol purchase permit.*

BACKGROUND: Sheriffs have the responsibility to issue or deny pistol purchase permits. An applicant who has been adjudicated mentally incompetent or committed to a mental institution is disqualified from purchasing a gun under state and federal law.

In order to determine a pistol purchase permit applicant's eligibility, the sheriff is required to check computerized criminal records maintained by the Administrative Office of the Courts, the State Bureau of Investigation, the Federal Bureau of Investigation, and the National Instant Criminal Background Check System (NICS).

BILL ANALYSIS AND CURRENT LAW:

Currently G. S. 14-404 requires a pistol purchase permit applicant to disclose any court orders related to mental health and capacity, and sign a release to allow the sheriff to access any court orders related to mental health and capacity.

Section 1 of House Bill 134 would change the way the sheriff accesses court orders related to mental health and capacity by eliminating the waiver and required disclosure by the applicant; and giving the sheriff the discretion to ask an applicant to disclose any court orders related to mental health or capacity.

Currently G. S. 122C-54 authorizes the sheriff to access the types of mental health and substance abuse treatment records reported to NICS for the purpose of pistol purchase permit background checks by providing a statutory exception to patient confidentiality.

Section 2 of House Bill 134 would amend the law giving the sheriff access to court orders related to mental health and capacity by requiring a potential holder of a court order related to mental health or capacity to release the mental health orders to the sheriff upon request.

EFFECTIVE DATE: This act would become effective August 1, 2017, and would apply to applications pending or submitted on or after that date.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578